

AMENDED IN SENATE APRIL 6, 2010

**SENATE BILL**

**No. 1162**

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**Introduced by Senator Walters**

February 18, 2010

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An act to amend Section 11208 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1162, as amended, Walters. Vehicles: traffic violator schools.

Existing law authorizes a court to order a person convicted of a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code, or, in lieu of adjudicating a traffic offense, if the defendant holds a certain noncommercial driver's license, and with the consent of the defendant, to order the person to attend a licensed traffic violator school, a licensed driving school, or any other court-approved program of driving instruction.

Existing law requires the Department of Motor Vehicles to charge a fee, not to exceed \$3, for each completion certificate issued by a traffic violator school to each person referred by a court and completing instruction at the school. Existing law requires that the fee be used for various purposes relating to education for traffic violators in the amount of \$50 for annual renewal of the license for a traffic violator school and for each branch or classroom location.

This bill would, instead, require the clerk of a court to collect a nonrefundable administrative fee of \$2 from a person who is ordered or permitted to attend a program of traffic safety instruction. The bill would require \$1 of the fee be retained by the court to defray its costs and \$1 of the fee be transmitted to the department to defray the department's costs incurred to process and maintain the records of traffic

~~violators. The bill would require a traffic violator school to provide a student referred by a court with a certificate of completion. The bill would require a provider of a court-approved program of driving instruction to provide, using methods defined by the court, proof of completion of the program to the court and to the student who is referred by a court eliminate that fee for each classroom location.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11208 of the Vehicle Code is amended  
2 to read:  
3 11208. (a) Fees for issuance by the department of a license to  
4 a traffic violator school owner shall be as follows:  
5 (1) For the original license or an ownership change that requires  
6 a new application, except as provided by Section 42231, a fee of  
7 one hundred fifty dollars (\$150), with an additional fee of seventy  
8 dollars (\$70) for each separate traffic violator school branch or  
9 classroom location licensed. The fee prescribed by this subdivision  
10 is nonrefundable.  
11 (2) For annual renewal of the license for a traffic violator school  
12 and for each branch ~~or classroom~~ location, a fee of fifty dollars  
13 (\$50).  
14 (3) If alteration of an existing license is required by a firm name  
15 change, a change in corporate officer structure, address change,  
16 or the addition of a traffic violator school branch or classroom  
17 location, a fee of seventy dollars (\$70).  
18 (4) For replacement of the license certificate when the original  
19 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).  
20 (b) Fees for the issuance by the department of a license for a  
21 traffic violator school operator shall be as follows:  
22 (1) For the original license, a nonrefundable fee of one hundred  
23 dollars (\$100).  
24 (2) For annual renewal of the license, a fee of fifty dollars (\$50).  
25 (3) If alteration of an existing license is caused by a change in  
26 the name or location of the established principal place of business  
27 of the traffic violator school operated by the licensee, including a  
28 transfer by a licensee from one traffic violator school to another,  
29 a fee of fifteen dollars (\$15).

1 (4) For replacement of the license certificate when the original  
2 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

3 (c) Fees for the issuance by the department of a license for a  
4 traffic violator school instructor shall be as follows:

5 (1) For the original license, except as provided by Section 42231,  
6 a nonrefundable fee of thirty dollars (\$30).

7 (2) For the triennial renewal of a license, a fee of thirty dollars  
8 (\$30).

9 (3) If alteration of an existing license is required by a change  
10 in the instructor's employing school's name or location, or transfer  
11 of the instructor's license to another employing school, a fee of  
12 fifteen dollars (\$15).

13 (4) For replacement of the instructor's license certificate when  
14 the original license is lost, stolen, or mutilated, a fee of fifteen  
15 dollars (\$15).

16 ~~(d) (1) In addition to the fee collected pursuant to subdivision~~  
17 ~~(a) of Section 42007, the clerk of the court shall collect from a~~  
18 ~~person who is ordered or permitted to attend a program of traffic~~  
19 ~~safety instruction from a provider described in Section 42005, a~~  
20 ~~nonrefundable administrative fee of two dollars (\$2). The clerk~~  
21 ~~shall collect the fee at the same time the clerk collects other fees~~  
22 ~~pursuant to Section 42007. The court shall retain one dollar (\$1)~~  
23 ~~of the fee to defray its costs and shall thereafter transmit monthly~~  
24 ~~one dollar (\$1) of the collected fee to the Department of Motor~~  
25 ~~Vehicles to defray the department's costs incurred to process and~~  
26 ~~maintain the records of traffic violators pursuant to Sections 1803.5~~  
27 ~~and 1808.7 and associated costs.~~

28 ~~(2) Upon satisfactory completion of the instruction offered by~~  
29 ~~a licensed traffic violator school, the traffic violator school shall~~  
30 ~~provide the student referred by a court pursuant to Section 42005~~  
31 ~~with a certificate of completion. The student shall present this~~  
32 ~~certificate of completion to the court as proof of completion of~~  
33 ~~instruction, and no other proof of completion of instruction may~~  
34 ~~be accepted by the court. The department shall provide certificate~~  
35 ~~of completion forms to the licensed traffic violator school, at no~~  
36 ~~cost to the school, for this purpose. If deemed feasible, the~~  
37 ~~department may permit a traffic violator school to submit proof~~  
38 ~~of course completion to the court electronically on behalf of the~~  
39 ~~student.~~

1     ~~(3) Upon satisfactory completion of the instruction offered by~~  
2 ~~a provider of a court-approved program of driving instruction, the~~  
3 ~~program provider shall, using methods defined by the court,~~  
4 ~~provide proof of completion of the program to the court and to the~~  
5 ~~student referred by a court pursuant to Section 42005.~~

6     ~~(4) A certificate of completion shall not be issued to a person~~  
7 ~~who elects to attend a traffic violator school pursuant to subdivision~~  
8 ~~(b) of Section 11200.~~

9     ~~(5) A traffic violator school may charge a fee not to exceed~~  
10 ~~fifteen dollars (\$15) to issue a duplicate certificate of completion~~  
11 ~~that was requested by a traffic violator, when the original certificate~~  
12 ~~was lost, stolen, or mutilated.~~

13     ~~(d) The department shall charge a fee, not to exceed three~~  
14 ~~dollars (\$3), for each completion certificate issued by a traffic~~  
15 ~~violator school to each person referred by a court pursuant to~~  
16 ~~Section 42005 and completing instruction at the traffic violator~~  
17 ~~school. The amount of the fee shall be determined by the~~  
18 ~~department and shall be a fee sufficient to defray the actual costs~~  
19 ~~incurred by the department for publication and distribution of lists~~  
20 ~~of schools for traffic violators pursuant to Section 11205, for~~  
21 ~~monitoring instruction, business practices, and records of schools~~  
22 ~~for traffic violators and for any other activities deemed necessary~~  
23 ~~by the department to assure high quality education for traffic~~  
24 ~~violators. Upon satisfactory completion of the instruction offered~~  
25 ~~by a licensed traffic violator school, the traffic violator school~~  
26 ~~shall provide the student referred by a court pursuant to Section~~  
27 ~~42005 with a certificate of completion furnished by the department.~~  
28 ~~A certificate of completion shall not be issued to a person who~~  
29 ~~elects to attend a traffic violator school. A traffic violator school~~  
30 ~~shall not charge a fee in excess of the fee charged by the~~  
31 ~~department pursuant to this subdivision for furnishing a certificate~~  
32 ~~of completion. A traffic violator school may charge a fee not to~~  
33 ~~exceed fifteen dollars (\$15), to issue a duplicate certificate of~~  
34 ~~completion that was requested by a traffic violator, when the~~  
35 ~~original certificate was lost, stolen, or mutilated. A student referred~~  
36 ~~by a court pursuant to Section 42005 shall present this certificate~~  
37 ~~of completion to the court as proof of completion of instruction,~~  
38 ~~and no other proof of completion of instruction may be accepted~~  
39 ~~by the court.~~

1     (e) *The department shall compile its actual costs incurred to*  
2     *determine the fee prescribed in subdivision (d) and make available*  
3     *its financial records used in the determination of the fee for*  
4     *completion certificates. The fee shall be adjusted every*  
5     *odd-numbered year based upon the costs incurred during the*  
6     *preceding two fiscal years. The records described in this*  
7     *subdivision are public records.*

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